IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5056 of 1998
With
Civil Application No. 3655 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

and

HON'BLE MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

CITY OF AHMEDABAD SPG & MFG COLTD.

Versus

MUNICIPAL CORPORATION OF CITY

Appearance:

1. Special Civil Application No. 5056 of 1998
MR MIHIR H JOSHI for Petitioner No. 1
MS FALGUNI M JOSHI for Petitioner No. 1
MR KS JHAVERI for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE A.R.DAVE
and
HON'BLE MR.JUSTICE K.A.PUJ

Date of decision: 21/11/2003

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE A.R.DAVE)

1. We have heard the learned advocates. The learned advocate appearing for the respondent Corporation has very fairly conceded that in all a sum of Rs. 1,69,936 has been deposited in excess by the petitioner with the Corporation. The said amount is reflected under Bills bearing No. 5802, 5807 and 5808 dated 27th April 2003.

2. Looking to the said admitted fact, the respondent Corporation is directed to refund the said amount to the petitioner with interest at the rate of 6% p.a. within a period of 3 months from the date of getting certified copy of this order. If the said amount is not paid within 3 months, the respondents shall pay interest at the rate of 15% after completion of the period of 3 months as stated hereinabove. The amount of interest shall be paid from the date on which the amount had been deposited till the date on which the amount is refunded to the petitioner.

3. The petition stands disposed of as allwed to the above extent with no order as to costs. Rule is made absolute.

4. In view of the disposal of the petition, the Civil Application does not survive and is disposed of accordingly.

[A.R. Dave, J.]

[K.A. Puj, J.]

rmr.